

ATTORNEYS AT LAW

Docket No.: 220355US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/089,065

Applicants: Klaus J. MUELLER-ENGEL, et al.

Filing Date: April 5, 2002

For: CHEMICAL AND/OR PHYSICAL TREATMENT OF
MIXTURES WHICH CONTAIN AT LEAST ONE
CHEMICAL COMPOUND HAVING AT LEAST ONE
ETHYLENICALLY UNSATURATED GROUP

Group Art Unit: 1621

Examiner: PULLITZ, K.

SIR:

Attached hereto for filing are the following papers:

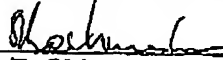
Petition to Withdraw From Issue Under 37 CFR § 1.313(b)

Copy of Amendment Under 37 CFR § 1.312 filed on October 27, 2003

Copy of Response to Rule 312 Communication of February 24, 2004

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 220355US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

KLAUS J. MUELLER-ENGEL, ET AL.

SERIAL NO: 10/089,065

FILED: APRIL 5, 2002

FOR: CHEMICAL AND/OR PHYSICAL
TREATMENT OF MIXTURES WHICH
CONTAIN AT LEAST ONE CHEMICAL
COMPOUND HAVING AT LEAST ONE
ETHYLENICALLY UNSATURATED
GROUP

:

: EXAMINER: PULLITZ, K.

:

: GROUP ART UNIT: 1621

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PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(b)COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice Allowance of October 2, 2003 and the Rule 312

Communication of February 24, 2004, Applicants respectfully request the Office withdraw the above-identified allowed application from issue at its own initiative as provided for in 37 C.F.R. § 1.313(b).

On April 5, 2002, Applicants submitted an Information Disclosure Statement including a form PTO-1449. A copy of the form PTO-1449 and a date-stamped filing receipt evidencing the timely submission thereof are attached herewith. A signed and dated copy of the form PTO-1449 was returned with the Notice of Allowance of October 2, 2003 (copy attached). The form PTO-1449 returned with the Notice of Allowance did not include the Examiner's initials by each reference.

Application No. 10/089,065
Responsive to the Notice Allowance of October 2, 2003

Applicants filed a Rule 312 Amendment (copy attached) on October 27, 2003 including a copy of the form PTO-1449 and a request in the remarks section of the Rule 312 requesting the Examiner acknowledge consideration of the references provided on the form PTO-1449 by returning a signed, dated and initialed copy of the form PTO-1449 with any subsequent communication from the Office. The Rule 312 Communication of February 24, 2004 (copy attached) indicates that the Amendment was entered however there is no indication that the references provided on the form PTO-1449 originally submitted on April 5, 2002 were considered.

As provided in 37 C.F.R. § 1.313(b) an application may be withdrawn from issue after payment of the Issue Fee on the Office's own initiative for reasons including a mistake on the part of the Office. Applicants submit that the Office's failure to acknowledge consideration of the references provided on the form PTO-1449 submitted on April 5, 2002 with the Examiner's initials is a mistake on the part of the Office. Withdrawal from Issue is justified so that the consideration of the references provided on the form PTO-1449 is properly made of record in the application file.

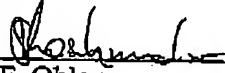
For the reasons given above, this Petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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